

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VINCENT FULTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07CV1390 RWS
)	
MISSOURI DEPARTMENT OF)	
MENTAL HEALTH, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Plaintiff's motion for leave to file a default judgment against defendant Tansey is denied. Tansey has timely filed a motion to dismiss under Rule 12(b)(6) and is not required to file an answer until the Court rules on her motion to dismiss. Fed. R. Civ. P. 12(b). Plaintiff should review the Federal Rules of Civil Procedure, as well as the Court's Local Rules, before filing future motions as he is expected to know and comply with them if he intends to represent himself pro se. In addition, parties do not notice up hearings in this Court, so plaintiff should not file any more "Notices of Hearing." If plaintiff wants a hearing, he should file a motion in accordance with the local rules.

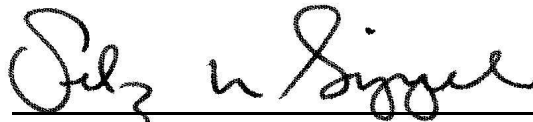
In addition, defendant Tansey's motion to dismiss will be granted as employees cannot be held individually liable under Title VII. Spencer v. Ripley

County State Bank, 123 F.3d 690, 692 (8th Cir. 1997); Lenhardt v. Basic Institute of Technology, Inc., 55 F.3d 377, 380 (8th Cir. 1995).

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to file default judgment [#17] and notice of hearing [#18] are denied.

IT IS FURTHER ORDERED that defendant Tansey's motion to dismiss [#15] is granted, and plaintiff's complaint against defendant Tansey is dismissed.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 19th day of October, 2007.